1	CONTAINER REGULATION ACT
2	2018 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: David G. Buxton
5	House Sponsor: Michael K. McKell
6 7	LONG TITLE
8	General Description:
9	This bill enacts provisions related to the regulation of auxiliary containers.
10	Highlighted Provisions:
11	This bill:
12	defines terms; and
13	 prohibits a local government entity from regulating Ŝ→ [5] or ←Ŝ imposing a fee on Ŝ→
l3a	[, or taxing] ←Ŝ an
14	auxiliary container, unless the auxiliary container is used on property owned by the
15	local government entity.
16	Money Appropriated in this Bill:
17	None
18	Other Special Clauses:
19	None
20	Utah Code Sections Affected:
21	ENACTS:
22	11-58-101, Utah Code Annotated 1953
23	11-58-102, Utah Code Annotated 1953
24	11-58-201, Utah Code Annotated 1953
25	11-58-202, Utah Code Annotated 1953
26	



27

Be it enacted by the Legislature of the state of Utah:

02-21-10 11.30 AM
11-58-201. Limitation on local regulation.
(1) A local government entity may not:
(a) regulate, prohibit, or restrict the use, disposition, or sale of an auxiliary container;
<u>or</u>
(b) impose a fee $\hat{S} \rightarrow [\underline{or tax}] \leftarrow \hat{S}$ on an auxiliary container, regardless of whether the fee
Ŝ→ [<u>or tax</u>] ←Ŝ <u>is</u>
at the retail, manufacturer, or distributor level.
(2) A local government entity's action that violates Subsection (1) is invalid.
(3) This section preempts any local government entity's action that violates Subsection
(1), regardless of when the local government entity took the action.
Section 4. Section 11-58-202 is enacted to read:
<u>11-58-202.</u> Scope.
(1) This chapter does not affect:
(a) a local government entity's authority to regulate solid waste, operate a commercial
or curbside recycling program, or designate one or more commercial or residential recycling
locations; or

(2) The provisions of this chapter do not apply to the use of an auxiliary container on

Legislative Review Note Office of Legislative Research and General Counsel

property owned by a local government entity.

7475

76

(b) any agreement related to the disposal of solid waste.